

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA) Criminal No. 22cr10160
v.)
ROBERT BRAINARD,) Violation:
Defendant)
) Count One: Tax Evasion
) (26 U.S.C. § 7201)
)
)

INFORMATION

At all times relevant to this Information:

General Allegations

1. The defendant, ROBERT BRAINARD, resided in Weymouth, Massachusetts. BRAINARD operated a paving company, Got Pavement Needs, Inc. (“GPN”).
2. From at least 2014 to in or about 2018, BRAINARD operated GPN as an “S Corporation” for federal tax purposes. S-Corporations pass corporate income, losses, deductions, and credits through to their shareholders for federal tax purposes.
3. In or about 2018, BRAINARD transferred ownership of GPN to a relative (“Person 1”), but BRAINARD retained control of the business.
4. As an S Corporation, GPN was required by law to report its annual gross receipts or sales, expenses, and resulting income or loss on a United States Income Tax Return for an S Corporation, Form 1120S (“Form 1120S”), but GPN’s income (or loss) passed through to BRAINARD as the sole shareholder from 2014 to 2018 and to Person 1 from 2019 to 2021.
5. Under the Internal Revenue Code and attendant regulations, individual taxpayers generally must accurately report their income, attendant tax obligations, and, where appropriate, any claim for a refund on a U.S. Individual Income Tax Return, Form 1040 (“Form 1040”), which

must be filed with the Internal Revenue Service of the United States Department of the Treasury (“IRS”).

6. BRAINARD annually filed Forms 1040 jointly with his wife for tax years 2014 through 2018 and filed a Form 1040 as a single person for tax years 2019 through 2021.

7. From 2014 to 2021, BRAINARD used tax preparers to prepare the tax returns for himself, his wife, and GPN. The tax preparers used information from Brainard’s business accounting software to prepare GPN’s tax returns. GPN’s business bank account was linked to business accounting software used by GPN.

8. BRAINARD did not link his personal bank accounts to GPN’s accounting software, and BRAINARD did not give copies of GPN’s bank account statements or of BRAINARD’s personal bank account statements to his tax preparers.

9. Although BRAINARD retained control and continued to operate GPN from 2018 to 2021, BRAINARD also did not provide Person 1 with records showing deposits of customer payments into BRAINARD’s personal bank account or with records showing the customer payment checks that BRAINARD cashed instead of depositing.

Tax Evasion

10. For the tax years 2014 to 2021, BRAINARD evaded taxes by cashing customer checks or by depositing customer checks into personal bank accounts instead of the business bank accounts his tax preparers used to prepare his income tax filings.

11. By hiding income from such checks from his tax preparers, BRAINARD caused the filing of Forms 1120S for GPN that reported approximately \$7,951,319 in gross receipts, based on the transactions in GPN’s business bank account. The forms did not reflect the gross receipts from checks that BRAINARD deposited in BRAINARD’s personal bank account or that BRAINARD cashed, which totaled approximately \$2,074,585 during that same period.

12. Accordingly, as BRAINARD knew, GPN generated actual gross receipts of approximately \$9,876,775 during that period.

13. BRAINARD thus underreported his income for the tax years 2014 to 2021 and as a result, failed to pay income taxes of \$593,993 that he owed on income generated by GPN.

COUNT ONE
Tax Evasion
(26 U.S.C. § 7201)

The United States Attorney charges:

14. The United States Attorney re-alleges and incorporates by reference paragraphs 1-13 of this Information.

15. On or about March 29, 2020, in the District of Massachusetts and elsewhere, the defendant,

ROBERT BRAINARD,

willfully attempted in any manner to evade and defeat income tax due and owing by him to the United States of America for the calendar year 2019, by committing the following affirmative acts, among others: cashing checks and depositing checks into a personal bank account, failing to provide his tax preparers with information about such checks, and thus preparing and causing to be prepared, and signing and causing to be signed, a false and fraudulent U.S. Individual Income Tax Return, Form 1040, which was filed with the Internal Revenue Service stating that his adjusted gross income for the calendar year was \$19,853, and that the amount of tax due and owing was \$0. In fact, as BRAINARD then and there knew, his taxable income for the calendar year was \$367,328, and the amount of tax due and owing was \$91,615.

All in violation of Title 26, United States Code, Section 7201.

Respectfully submitted,

RACHAEL S. ROLLINS
United States Attorney

By: KRISS
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Kriss Basil
Assistant U.S. Attorney

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